

KENNETH COLE

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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

KENNETH COLE, : C.A. No.:  
BRIGITTE L. BROWN, : 05-270 KAJ  
Plaintiffs, : CONFIDENTIAL  
v. :  
DELAWARE TECHNICAL AND :  
COMMUNITY COLLEGE, :  
Defendant. :

Continued deposition of KENNETH COLE, taken  
pursuant to notice before Tanya M. Congo, a Notary  
Public and Certified Shorthand Reporter, at the  
offices of Morris, James, Hitchens & Williams, LLP,  
222 Delaware Avenue, 10th Floor, Wilmington,  
Delaware, on Tuesday, February 7, 2006, beginning at  
approximately 1:05 p.m., there being present:

APPEARANCES:

MARGOLIS, EDELSTEIN  
1509 Gilpin Avenue  
Wilmington, Delaware 19806  
BY: LORI A. BREWINGTON, ESQUIRE  
Attorney for Plaintiffs

MORRIS, JAMES, HITCHENS & WILLIAMS, LLP  
222 Delaware Avenue, 10th Floor  
Wilmington, Delaware 19899  
BY: DAVID H. WILLIAMS, ESQUIRE  
Attorney for Defendant

Also present: Brigitte L. Brown  
Paul Morris

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1 C O N F I D E N T I A L S E S S I O N

2 (Thereupon, the following testimony  
3 was deemed to be confidential and placed under  
4 separate cover:)

5 BY MR. WILLIAMS:

6 Q. Tell me about what did you say, what did  
7 she say, to the best of your recollection when you  
8 talked to REDACTED ?

9 A. Well, I was kind of surprised that she was  
10 terminated. I thought she -- UBMS members were under  
11 the impression that she resigned. And due to the  
12 testimony in the depos, I realized that she was  
13 terminated.

14 And she always did say that she would  
15 testify in this case. So I asked her, would she  
16 testify. If we go to trial, would she -- basically  
17 would she be there. And she said she would.

18 And would she provide Affidavits, and  
19 she said she would.

20 Q. Did you talk to her about what she would  
21 expect to say if she appeared to testify?

22 A. I can't recall in detail, but there were  
23 some things that --

24 Q. What do you recall?

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1           A.    She definitely felt she was retaliated  
2   against, there's no doubt about that in terms of her  
3   termination.

4                   And I think she -- oh, yes, she  
5   remembered about the -- in the meeting with Paul and  
6   the UBMS group, she remembered Paul saying that --  
7   Liz Wilson, which is the secretary, asked for  
8   partitions. And when she asked for partitions, she  
9   remembered Paul saying, that we couldn't install --  
10   he couldn't install partitions, or UBMS, or whatever  
11   couldn't install partitions 'cause it would be  
12   against AGRA or the grant. She recalled that.

13                  And she -- oh, yes, she felt that  
14   Jacquita Henderson -- Jacquita Wright Henderson was  
15   placed in that acting position to terminate her. And  
16   it was based on Sue. Sue was driving that.

17           Q.    Anything else?

18           A.    That's about all I can recall. I mean,  
19   that's about it.

20           Q.    How long was the conversation?

21           A.    How long was the conversation. That  
22   conversation may have been an hour. We still talk.  
23   We're still friends. So we would talk from time to  
24   time. But that particular conversation was about an

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1 hour.

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2 Q. Were there subjects discussed other than  
3 what she might offer by way of testimony at trial?

4 A. I'm sorry.

5 Q. Did you talk about things other than this  
6 case?

7 A. Did we talk about things other than this  
8 case. Primarily this case.

9 Q. So in an hour-long conversation that's all  
10 --

11 A. Approximately.

12 Q. -- in approximately an hour that's all you  
13 can remember her saying about --

14 A. I mean, there's some other things said,  
15 but that's all I can remember.

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Examination of:

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(By Mr. Williams)

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7

EXHIBITS

8

NAME

DESCRIPTION

PAGE

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(None)

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